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Attorney for Defendants
Municipality of Anchorage
Anchorage Police Department
Walt Monegan
Officers Voss and Henikman

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

CAROLYN MITCHELL,)
)
Plaintiff,)
)
vs.)
)
ANCHORAGE POLICE DEPARTMENT and)
the MUNICIPALITY OF ANCHORAGE, a)
municipal corporation, WALTER MONEGAN,)
Officer HENIKMAN, and Officer J. VOSS,)
)
Defendants.) Case No. 3:05-cv-00273-JWS
)

AFFIDAVIT OF OFFICER JUSTIN VOSS

STATE OF ALASKA)
)
) ss.
THIRD JUDICIAL DISTRICT)

Justin Voss, being first duly sworn upon oath, deposes and states:

1. I am employed as a police officer for the Municipality of Anchorage Police Department. I make this Affidavit of my own personal knowledge.

2. On May 8, 2004 at approximately 3:30 p.m., I was dispatched to a report of an armed robbery at the Wells Fargo Bank located at 600 E. Northern Lights Boulevard. A copy of my Supplement to the police report is attached to this Affidavit.

3. I received information that the bank robbery suspect mentioned that she had a gun. Various descriptions of the robber were aired over dispatch between approximately 3:32 p.m. and 3:40 p.m. She was described as a black female adult, heavy set, with a blue shirt and dark glasses, carrying a gun, and with black bags on her arm. The Calls-for-Service Inquiry Response (also known as the "dispatch log"), shows at 15:32:13, 15:33:53 and 15:38:57 the descriptions aired during that time period. *See* Ex. C to Defendants' Motion for Summary Judgment.

4. At approximately 3:40 p.m., I observed a black female carrying a bag and wearing a white Nike jumpsuit and a blue shirt exit the Sears Mall. I thought this woman matched the description of the bank robbery suspect. Because she matched the description of the bank robbery suspect, I proceeded on the assumption that she was armed.

5. Officer Henikman placed this suspect in handcuffs while I covered him with my gun drawn.

6. Officer Henikman and I detained Ms. Mitchell in handcuffs in the area of the exit from the Mall until another officer could bring the bank teller by to identify her as

the robber. From my recollection and from reviewing KTUU news footage of the scene, I believe that our firearms were in their slings in a lowered position during this time.

7. While Officer Henikman and I detained Ms. Mitchell, I explained to her that she was being detained until the bank teller could be brought by to identify her as the bank robbery suspect.

8. Ms. Mitchell's son, Demarcus, was with her at the time she was apprehended. Demarcus was within my sight throughout Ms. Mitchell's detention. Ms. Mitchell requested that her son be allowed to use her cell phone. I did not allow this for reasons of officer safety; I did not think it wise for a suspect or possible ally to be allowed to use a phone. Suspects could use a phone to call their associates.

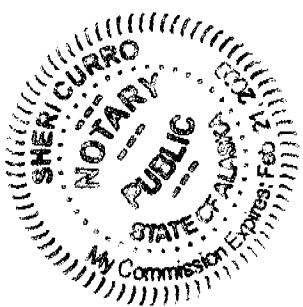
9. A show-up with the bank teller was conducted by another officer. As soon as we were notified that Ms. Mitchell was not the bank robber, we immediately released her.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

By: J.V. 28312
Officer Justin Voss

SUBSCRIBED and SWORN to before me this 24th day of April, 2007.

Sheri Curro
Notary Public in and for Alaska
My commission expires: 2-21-09



The undersigned hereby certifies that on 4/30/07 a true and correct copy of the *Affidavit of Officer Justin Voss* was served on:

Isaac D. Zorea
Moshe C. Zorea

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Sheri Curro
Sheri Curro, Legal Secretary
Municipal Attorney's Office